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ANTENNA STRUCTURE REGISTRATION (ASR)

7

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

8

FCC SCOPING MEETING

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WT DOCKET NO. 08-61 and WT DOCKET NO. 03-187

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DATE: Wednesday, December 15, 2010

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TIME: 5:30 p.m. to 7:30 p.m.

16

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REPORTED BY: BETH A. MALONE
Court Reporter
Notary Public, State of Florida

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1 QUESTION & ANSWER SESSION

2 MS. KOROSY: Why was it there is a need
3 to move forward with a PEA after the court's
4 ruling instead of going right to the PEIS?

5 MR. GOLDSCHMIDT: Well --

6 MR. DAY: I didn't hear the question.
7 Could you repeat it?

8 MR. GOLDSCHMIDT: I'll be happy to repeat
9 it. It was, why are we doing a PEA in the
10 wake of the court decision rather than a PEIS?

11 Okay. Under the NEPA and FCC rules we
12 are able to conduct a PEA to determine what if
13 any subsequent action NEPA requires, whether
14 it be a -- whether we come out with a FONSI or
15 the need to conduct a PEIS, given the
16 significant time and cost associated with the
17 parent of PEIS is substantially more than a
18 PEA.

19 The Commission determined that it made
20 sense to start with a PEA as the first step
21 and beyond that you mentioned the court
22 decision. The court decision specifically
23 said we could begin with the PEA.

24 MR. DAY: If you do come out with the
25 finding of no significant impact is there a

1 way of appealing that?

2 MR. GOLDSCHMIDT: Yeah, I believe
3 that's --

4 MR. REIDENAUER: Yeah, sure.

5 MR. GOLDSCHMIDT: -- that's certainly a
6 way --

7 MR. REIDENAUER: Sure, the public can
8 appeal that, sure.

9 MR. GOLDSCHMIDT: That could be
10 challenged in court.

11 MR. DAY: But it has to be in court. You
12 have to hire a lawyer to do it?

13 MR. GOLDSCHMIDT: We haven't done -- this
14 is our first environmental process with the
15 FCC. I suppose if we issue it by attaching it
16 by -- to an FCC order, and I'm not -- I don't
17 even know if that's how we're -- how exactly
18 it's going to be implemented.

19 We have a mechanism with the FCC that
20 allows for a petition for reconsideration,
21 which, you might want a lawyer in that case,
22 as well. But regardless, it may -- you may
23 have an administrative alternative prior to
24 going to court. I don't want to swear to that
25 by any stretch, but that's a possibility.

1 MS. STOLL: We can take your name and
2 information and make sure we get a complete
3 answer to that. So if you just stick around
4 for a minute following.

5 MR. DAY: I'm also concerned that your
6 examination is limited only to published
7 information, that is, there will be no effort
8 to uncover any new information.

9 UNKNOWN SPEAKER: Or new research.

10 MR. GOLDSCHMIDT: There is not going to
11 be additional research for the PEA, that's
12 correct.

13 UNKNOWN SPEAKER: So it's use of the
14 existing --

15 MR. GOLDSCHMIDT: Yes.

16 UNKNOWN SPEAKER: -- public research
17 only.

18 MR. GOLDSCHMIDT: Well, it's doesn't even
19 necessarily have to be public --

20 MR. REIDENAUER: Right. It's not just
21 peer reviewed journal articles and
22 publications that we will be reviewing. We'll
23 be looking at gray literature, too, studies,
24 reports, that type of thing.

25 MR. GOLDSCHMIDT: Anything that --

1 MR. DAY: Will we have an opportunity to
2 examine the literature that you examine?

3 MR. REIDENAUER: Yeah. As part of the --
4 as part of the NEPA process and when you
5 prepare an environmental assessment or an
6 Environmental Impact Statement there's what's
7 called an administrative record and that
8 contains all the documentation that was
9 utilized in the preparation of the document
10 and the evaluation. So, yes, there will be an
11 opportunity to look at that.

12 MR. GOLDSCHMIDT: Furthermore, I believe
13 we're putting everything -- everything is
14 going to be in these dockets that you can --

15 MR. REIDENAUER: True.

16 MR. GOLDSCHMIDT: -- search online at the
17 FCC and to the extent that you believe that
18 there is literature that should be considered
19 that may not be in there at present, I
20 encourage you to site to it and bring it up
21 and file comments that identifies it for us to
22 examine.

23 MR. DAY: Thank you.

24 MS. STOLL: Are there any other questions
25 at this point before we move into the comment

1 period?

2 Yes.

3 UNKNOWN SPEAKER: The materials that
4 you're using are anywhere in the U.S. or just
5 particular to Florida, San Diego and where
6 ever else your meetings are?

7 MR. GOLDSCHMIDT: Nationwide.

8 MR. REIDENAUER: Nationwide.

9 UNKNOWN SPEAKER: Nationwide, okay.

10 UNKNOWN SPEAKER: How about studies
11 outside of the U.S.?

12 MR. REIDENAUER: Sure. They would be
13 considered in terms of their relevancy, you
14 know, with regard to, you know, lighting
15 schemes and things like that. Sure.

16 MS. STOLL: Anyone else have any
17 questions?

18 Yes, sir.

19 MR. DAY: One concern that -- and maybe
20 this isn't a question for this stage of the
21 proceedings, but one concern that many of us
22 have is that the entities that erect the
23 towers are responsible for satisfying the FCC
24 that they've met the regulations and, I
25 believe, that they have met some of the

1 requirements of NEPA; is that correct?

2 MR. GOLDSCHMIDT: The tower builders are
3 in charge -- do self certify, if that's what
4 you're asking; that they -- that they are in
5 compliance with NEPA prior to constructing the
6 tower.

7 MR. DAY: Now, for each tower that is
8 constructed is there a public record of that
9 construction assessment?

10 MR. GOLDSCHMIDT: Not generally. If they
11 conclude there was no significant effect and
12 that there was no PEA required, there's not a
13 public record of their -- of the support
14 therapy.

15 MR. DAY: So there is no way then for the
16 public to assess the validity of that
17 assessment?

18 MR. GOLDSCHMIDT: That's correct.

19 MR. DAY: I would make the comment that I
20 find that quite unsatisfactory.

21 MR. GOLDSCHMIDT: I will say that another
22 component of that court decision, American
23 Bird Conservancy versus FCC, was that they
24 found that the Commission's way of dealing
25 with towers -- that they concluded there were

1 -- that they didn't need to file an EA, that
2 we need to give better -- we need to give
3 notice prior to construction so that if you
4 know of -- if they indicate that they're
5 building a tower and they say that they don't
6 believe there's any effect, you have a chance
7 to review it prior to the tower going up. You
8 don't see their determination internally, you
9 don't see how they came to that decision, but
10 if you believe that there's a significant
11 effect the court tells you should be able --
12 they said that NEPA requires us to allow you
13 to have the opportunity to comment and to
14 challenge their findings.

15 We are currently trying to get an item
16 out the door that would implement that. It is
17 not yet in effect, I'm sorry to say.

18 MS. CURL: Do these -- does all of this
19 just pertain to the painting and the lighting,
20 et cetera, or does that also include where the
21 towers will be placed?

22 MR. GOLDSCHMIDT: Absolutely, where the
23 towers will be placed is a factor to be
24 considered.

25 MS. STOLL: Yes, sir.

1 MR. DAY: I'm sorry to hog the
2 discussion. I don't wish to do this.

3 Another source of concern are on wind
4 farms and I realize that they are not
5 communication towers. However, they are
6 illuminated and presumably there are means of
7 communicating with those towers to regulate
8 whether they're operational or not. Do they
9 fall under your jurisdiction at all?

10 MR. GOLDSCHMIDT: I do not believe they
11 fall under my -- under our jurisdiction at
12 all. I don't know -- I know they don't,
13 actually. I guess I should be more
14 definitive.

15 They don't. I assume -- I don't know
16 exactly how they communicate, but I don't know
17 that they have a private license. I don't
18 think they've gained any license from us that
19 what would give us jurisdiction over them. I
20 assume they're operating through other means.

21 MR. DAY: Do you know which government
22 agency does control them?

23 MR. GOLDSCHMIDT: To the extent there's
24 federal funding I would imagine -- I would
25 imagine, I don't actually know, it's the

1 Department of Energy.

2 Do you happen to know that, Jeff?

3 MR. REIDENAUER: The communications?

4 MR. GOLDSCHMIDT: Well, not the
5 communications, just wind towers -- just wind
6 -- yeah, you're talking about just wind
7 turbines?

8 MR. DAY: Yes.

9 MR. GOLDSCHMIDT: Not the communications,
10 they don't care about that. They just thought
11 that we might --

12 MR. REIDENAUER: Yeah. If there's no
13 federal funding or if there's a federal
14 action, like if they're put in wetlands or
15 anything like that they'll be. But there's no
16 federal agency, as far as I know, that
17 regulates wind farms.

18 MR. GOLDSCHMIDT: No, but if they provide
19 grants to it they would --

20 MR. REIDENAUER: Yes, if there's grants.

21 MR. GOLDSCHMIDT: If there's grants that
22 would be --

23 MR. REIDENAUER: Right. If there's some
24 federal funding or --

25 MR. GOLDSCHMIDT: If they're owned

1 privately it's not a federal undertaking --

2 MR. REIDENAUER: Right.

3 MR. GOLDSCHMIDT: -- to create a NEPA
4 obligation.

5 MR. DAY: But some of them are over --
6 are they high enough to require FAA
7 supervision --

8 MR. GOLDSCHMIDT: Yes.

9 MR. DAY: -- of lighting, for example?

10 MR. GOLDSCHMIDT: Yes.

11 MR. REIDENAUER: Right.

12 MR. GOLDSCHMIDT: They do have -- I know
13 that the FAA has lighting schemes for wind
14 turbines. I have seen that in the same manual
15 that I've seen the FCC tower --

16 MR. DAY: So in some respects there could
17 well be a parallel set of concerns for the
18 environmental impact of wind farms?

19 MR. GOLDSCHMIDT: There are. I know
20 there are concerns. I know they actually are
21 working -- they've worked with Fish and
22 Wildlife to some degree to try to do what they
23 can to mitigate it. I don't know of the
24 federal access other than, like I said, grant
25 money, but that might be sufficient. I do

1 know that there's been work with Fish and
2 Wildlife on that with them.

3 UNKNOWN SPEAKER: Is part of this process
4 looking at the cumulative impacts? I mean,
5 how many of these towers are out there and
6 what type and that sort of thing or --

7 MR. REIDENAUER: Yes.

8 UNKNOWN SPEAKER: So that would be part
9 of the assessment?

10 MR. REIDENAUER: Yeah. At a certain
11 level within the EA context, yes. We'll be
12 looking at cumulative effects. You know,
13 looking at the tower -- the antenna program in
14 relationship to other -- other structures that
15 are out there, wind farms, for example.

16 UNKNOWN SPEAKER: Currently are there any
17 limitations on how many cell phone towers are
18 put up in all these other areas?

19 MR. GOLDSCHMIDT: No.

20 UNKNOWN SPEAKER: No? So they can keep
21 on going?

22 MR. GOLDSCHMIDT: Yes.

23 UNKNOWN SPEAKER: I mean, they're not at
24 capacity. Each tower could probably handle a
25 lot more --

1 MR. GOLDSCHMIDT: Some locations
2 actually, the preferred -- not just from an
3 environmental standpoint, it's actually
4 preferred by the industry because it's a heck
5 of a lot cheaper to put an antenna on an
6 existing structure than it is to build and to
7 go through all the environmental review that
8 takes place. So a co-location is everybody's
9 preferred.

10 UNKNOWN SPEAKER: Right.

11 MR. GOLDSCHMIDT: But sometimes they've
12 determined it's not an option.

13 MS. STOLL: All right. Yes, ma'am?

14 MS. CURL: Is there any way that you can
15 indicate that -- perhaps a shared forum to
16 share these towers would be beneficial for all
17 of us?

18 MR. GOLDSCHMIDT: I'm sorry, I'm not sure
19 I understood the question.

20 MS. CURL: Okay. So say if AT&T put up
21 their own towers and they don't talk well with
22 Verizon and they put up their own towers and
23 then Bright House puts up their own towers --

24 MR. GOLDSCHMIDT: Sure.

25 MS. CURL: -- you have no -- no -- I'm

1 not saying the authority, but can you
2 recommend to them that this would be better
3 for us environmentally speaking?

4 MR. GOLDSCHMIDT: Again, they generally
5 do that themselves because it is economically
6 -- makes much more economic sense and they all
7 have acknowledged it. They want to -- AT&T
8 wants to co-locate on Verizon's tower while
9 there's times while Verizon wants a co-locate
10 on AT&T's tower. So a lot of the times -- I'm
11 not aware of any problem with a company not
12 being able to co-locate on others and
13 generally when they can, they do.

14 The other thing is that when you talk
15 about Verizon and AT&T, a lot of the towers
16 these days are being built by third parties.
17 And they build it and then they'll put on
18 anybody who wants to get on. It's in their
19 best interest to have people go on their's
20 because they make more money if they have more
21 tenants.

22 MR. CURL: Well, is there in way that you
23 can write into your policy that you recommend
24 shared resources?

25 MS. STOLL: Why don't we save that as

1 part of the comments when we get to that so
2 that we can get that entry.

3 MR. GOLDSCHMIDT: I guess she's saying
4 that this would be a recommendation that you
5 have; that we make the --

6 MS. CURL: For guidelines --

7 MR. GOLDSCHMIDT: For a guideline --

8 MS. CURL: -- that the FCC tower --

9 MR. GOLDSCHMIDT: -- that that would be a
10 recommended --

11 MS. CURL: -- tower companies.

12 MR. GOLDSCHMIDT: Yeah.

13 MS. CURL: Yeah. It's just a thought
14 that came to me --

15 MR. GOLDSCHMIDT: Sure.

16 MS. CURL: -- because I know in this
17 particular area that's an issue.

18 MS. STOLL: Absolutely. I'm not saying
19 it's not a valid thought, I'm just saying
20 we'll put it in as the part of the comments.

21 MS. CURL: Sure.

22 MS. STOLL: Another person?

23 UNKNOWN SPEAKER: One more person?

24 MS. STOLL: That's okay.

25 MR. GOLDSCHMIDT: Please.

1 UNKNOWN SPEAKER: Because towers are
2 regulated individual by individual tower and a
3 lot of literature I've seen is on kills of
4 migratory birds at single towers, that may be
5 the literature base out there and yet you said
6 you are going to look at cumulative impact.
7 That would seem to require a synthesis of
8 existing data and a modelling effort, you
9 know, in which -- actually, a cumulative
10 impact analysis can be a fairly sophisticated
11 analysis.

12 MR. REIDENAUER: Sure, absolutely.

13 UNKNOWN SPEAKER: So on the one hand
14 you're saying you're not going to do new work,
15 but you are going to look at cumulative
16 impact --

17 MR. REIDENAUER: Well, that's why I
18 said -- yeah. At a certain level within the
19 context of an environmental assessment versus
20 a more detailed Environmental Impact
21 Statement. So, you're right. I mean, the
22 cumulative impact analysis can be very
23 sophisticated. So within the context of the
24 EA we're going to, you know, address it at
25 some level. Yeah.

1 UNKNOWN SPEAKER: So you're going to look
2 for -- see if anybody's done a cumulative
3 impact analysis --

4 MR. REIDENAUER: More than that I would
5 say, but not a sophisticated modelling effort,
6 I guess. And I'll leave it at that.

7 MS. STOLL: Do you have any other
8 questions at this point?

9 Okay. Would you guys like to move into
10 our formal comment period?

11 Okay. We'll do that.

12 What we've done is we're just going to
13 call you up in the order that you registered.
14 So if you could, for the court reporter, state
15 your name and organization, if you're
16 affiliated with one. If you're just a
17 citizen, that's fine, as well, but we'd like
18 to kind of match those folks up.

19 So the first person we have is Peter Day.

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1 Peter Day, West Pasco Audubon Society
8200 Tarsier Avenue
2 New Port Richey, Florida 34653

3 My name is Peter Day. I'm a resident of
4 New Port Richey and I am the President of the
5 West Pasco Audubon Society.

6 The reason I'm getting to my feet is
7 simply to state a number of obvious things.
8 From reading the literature it seems to me
9 personally that there is a significant
10 environmental impact of towers that are
11 illuminated by constantly burning red lights.
12 They are responsible for the slaughter of four
13 to five million migrating song birds,
14 particularly at times when there are fogs and
15 rain, when the birds are flying at lower
16 altitudes and they are confused by the red
17 lights. They can collide with each other, and
18 with the guy lines, and many of the species
19 that are killed in this way are birds whose
20 populations are at considerable risk; their
21 numbers have declined because of loss of
22 habitat, because of global warming and other
23 factors.

24 I am concerned that the FCC is aware or
25 has been aware of this hazard for a number of

1 years and has been very slow to take an action
2 and I would urge that the FCC moves as rapidly
3 as possible to require, or to assemble an
4 Environmental Impact Assessment on the affects
5 of these towers on migrating bird populations.

6 I would also like to see some funding
7 made available for research. I think there
8 are a number of unknowns and I would be very
9 distressed if because of the lack of
10 information, we delayed action much further
11 than we have already.

12 That's all I would say at the moment.
13 Thank you.

14 MS. STOLL: Thank you.

15 Miss Walker.

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1 Barbara Walker, Eagle Watch
2 3019 Bradford Circle
3 Palm Harbor, Florida 34685

3 Barbara Walker, 3019 Bradford Circle,
4 Palm Harbor, Florida 34685.

5 Nationally communication towers are
6 killing millions of birds protected by the
7 Migratory Bird Treaty Act and the Endangered
8 Species Act due to improper siting, height and
9 structural features, such as guy wires and
10 lighting. Weather is also a key factor in the
11 demise of the protected species as they
12 interact with the calipers***.

13 Environmental impact studies by unbiased
14 parties are essential and all variables should
15 be included. Evaluation of alternatives is
16 also essential but may pose different
17 challenges in different regions; co-location
18 is one example. We have examples here in this
19 area of co-location that isn't working out
20 very well.

21 We have an eagle nest and Fish and
22 Wildlife doesn't even know about it yet. It's
23 not even been -- it's barely been reported.
24 But it is a cell tower nest, in that this
25 tower is on top of the transmission corridor

1 of Progress Energy. And if that had not been
2 there it would not have drawn the eagles in
3 this power corridor. So now they have the
4 hazard of all the power lines around them.
5 They chose that between -- they were going
6 back and forth between a tree and the location
7 of this tower. So that is one thing that
8 makes our area unusual.

9 I also think that all towers should be
10 required to register with the FCC.

11 From a local perspective Hillsborough and
12 Pinellas Counties have a high incident of
13 nesting eagles. Two thirds of the total
14 number of eagles nesting on artificial
15 structures in the State of Florida are in
16 these two counties. Ospreys nesting in
17 communication towers are prevalent which
18 presents a unique risk for those protected
19 species, as well.

20 Some areas of Polk County are populated
21 with Sandhill Cranes and the towers pose a
22 unique risk or threat to them, as well. The
23 cranes can often be found in the eagle buffer
24 zones.

25 I would like to see the communications

1 industry funding local studies here in this
2 area and utilizing local people for those
3 surveys. Cooperation is the key towards the
4 best protection for all of the birds.

5 Some towers require equipment changes for
6 maintenance. If there is a nesting bird in a
7 tower then equipment changes are best left for
8 after the young have left the nest and prior
9 to the nest refurbishing the following season.
10 Contractors are often unaware of the nests and
11 the laws designed to protect them.

12 I receive complaints every year about
13 cell tower nest disturbances. Some companies
14 use a locked entry with appropriate signage to
15 alert workers to sensitive towers. This is a
16 good practice and should be in guidelines.

17 The power industry has set a good example
18 through working with other government agencies
19 such as U.S. Fish and Wildlife Service and
20 forming an industry cooperative, the Avian
21 Power Line Interaction Committee, known as
22 APLIC, to minimize risk to birds and to meet
23 federal guidelines and cooperate with federal
24 agencies, such as yours. The communication
25 industry needs to champion a similar model at

1 this time.

2 I would like to know if anyone knows of
3 any study which has proven whether birds which
4 nest in towers have a tendency to nest on
5 artificial structures when they reach
6 maturity. Several observers, utility
7 consultants, all shared the observation that
8 is what we think occurs, but no one has been
9 able to cite such a specific study. That is
10 one study that could be funded.

11 I have some exhibits I'd also like to
12 enter for the record.

13 MR. GOLDSCHMIDT: Would you like to do it
14 this way or do you want to hand it to us
15 and --

16 MS. WALKER: No, I'll just hand it to
17 you.

18 MR. GOLDSCHMIDT: Okay, that's fine.

19 MS. WALKER: This was an Osprey killed on
20 a cell tower on March 29th.

21 MR. GOLDSCHMIDT: Actually one thing that
22 we do -- do you have her name --

23 MS. WALKER: Uh-huh.

24 MR. GOLDSCHMIDT: Because we want to make
25 sure it's filed under the right individual,

1 so --

2 MS. WALKER: Okay. This is a list of the
3 towers with the FCC numbers of eagle's nests
4 in them. It's a sample list.

5 MR. GOLDSCHMIDT: Okay.

6 MS. WALKER: If we can do it then they
7 can do it.

8 Here's pictures of the co-location. And
9 that's a picture of the weather issues with
10 the fog, and you can really see the guy wires
11 disappear with white clouds.

12 This you probably already know. This is
13 a pretty nasty tower, but they just really
14 disappear when there's fog in the area and you
15 can't see them at all.

16 MR. GOLDSCHMIDT: Uh-huh.

17 MS. WALKER: And then this is just
18 various pictures of all different types of
19 cell tower structures with equipment changes
20 in this area.

21 Thank you.

22 MR. GOLDSCHMIDT: Thank you.

23 MS. STOLL: Thank you.

24 Marianne Korosy.

25 MS. KOROSY: Korosy.

1 MS. STOLL: Korosy, I'm sorry.

2 Marianne Korosy, Clearwater Audubon Society
2021 Oakview Lane
3 Palm Harbor, Florida 34683

4 Marianne Korosy. I live in Pinellas
5 County Florida, Palm Harbor.

6 Based on the factual information that I'm
7 sure was presented in the court case initiated
8 by the American Bird Conservancy I think we
9 all know, many of us here in this room, that
10 there are millions of migratory birds that are
11 killed each year in tower collisions. We know
12 that already on an individual tower-by-tower
13 basis, and that those -- the species
14 represented in those kills are among those
15 already declining.

16 The decline in North American songbirds
17 have been well documented by the work of John
18 Power of the U.S. Geological Survey and he
19 continues to publish annual updates, so that
20 information is readily available.

21 I'm sure that the PEA was an appropriate
22 step to take, a lower cost option than
23 launching right into an EIS. However, I think
24 that there already is enough information
25 available to pretty easily conclude that an

1 environmental -- a full-blown Environmental
2 Impact Statement is appropriate and necessary.

3 We know that cell towers are ubiquitous,
4 they are of variable construction and
5 lighting. That is one thing that certainly
6 can be looked at.

7 I'm concerned that a cumulative impact
8 analysis, which can be done -- there are many
9 tools that have been developed in the last ten
10 years even, very sophisticated statistical
11 modeling tools and GIS based other types of
12 modeling tools. There's a wide variety of
13 expertise available now and people can conduct
14 cumulative impact analyses, and I'm concerned
15 that's not going to happen at this stage. But
16 it needs to happen.

17 I'm aware of other studies that have been
18 done where there's cumulative impact studies
19 in this region on well field withdrawals --
20 well withdrawals, agricultural public supply
21 wells. So those analyses have been done and
22 can be done, but I'm concerned that it won't
23 happen under a PEA and I really do think it
24 needs to happen. And a good solid attempt so
25 that that is certainly a finding and a

1 justification for any EIS to happen.

2 I'm also concerned, as Peter Day is, that
3 applicants are allowed to conduct their own
4 environmental assessment tower by tower which
5 doesn't address that cumulative impact.

6 So I hope that -- I'll read everything
7 you write.

8 MR. GOLDSCHMIDT: Great.

9 MS. KOROSY: A lot of us will and, you
10 know, we're going to hold your feet to the
11 fire.

12 Thank you.

13 MS. STOLL: Thank you.

14 Dr. Hood.

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1 J. S. Hood, M.D. - Clearwater Audubon Society.
1255 Druid Road South
2 Belleair, Florida 33756

3 John Hood, Pinellas County. Vice
4 President of Clearwater Audubon and on the
5 board of Audubon Florida.

6 Most of my thunder has been taken
7 already. But just for the record, in addition
8 to species being impacted there are specific
9 populations that are impacted with the towers.
10 So this needs to be considered, also. Not
11 just species but populations.

12 And the fox guarding the hen house with
13 respect to the tower constructors doing their
14 own environmental impact studies certainly
15 needs to be changed. We need to get qualified
16 agency personnel in to do the environmental
17 assessments and not the tower constructors.
18 You know, it's like the fox building the hen
19 house.

20 And I think a lot of cooperation with
21 U.S. Fish and Wildlife Service would also be
22 an indicator.

23 And, again, I have concern about the
24 adequacy of the existing studies. If the
25 existing studies are sub-optimal and not there

1 then you'll go ahead and issue a FONSI and
2 we'll be nowhere. So, you know, if it looks
3 like that's going to happen, back off and do
4 appropriate studies. Don't just rely on the
5 peer review, as well as the gray literature.
6 If we need more we can get it.

7 And I think a review of tower
8 construction methodology needs to be looked
9 at. What is the best way to build a tower?
10 Pylon, open lattice work, pyramid, guy wires,
11 no guy wires, to minimize the impact. And I'm
12 sure -- hopefully the studies are out there
13 showing that, you know, maybe an open lattice
14 parameteral structure is less lethal than a
15 solid steel pylon with guy wires. Maybe not,
16 I don't know. But, you know, the industry
17 needs to be encouraged to use the least lethal
18 methods of tower construction.

19 Thank you.

20 MR. GOLDSCHMIDT: Thank you.

21 MS. STOLL: Miss Curl. Did he read your
22 notes?

23

24

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1 Marcia Curl - Tampa Audubon Society
3104 King John Place
2 Seffner, Florida 33584

3 MS. CURL: He did. He stole my thunder
4 with the fox guarding the hen house.

5 I've listened to some well thought out
6 statements from other Audubon people, but I
7 want to speak from a slightly different
8 perspective.

9 My name is Marcia Curl and I want to
10 address an issue that I read in your
11 literature regarding the impact on the human
12 environment and then may I add, that is also
13 the qualify of life issue.

14 Not only do I work with the Audubon of
15 Tampa, the Native Plant Society; I'm on the
16 Conservation Committee of the Southwest
17 Florida Water Management District, a board
18 member of Hillsborough County's Environmental
19 Land Acquisition Purchase and Protection
20 Program. I'm a stake holder in the EPA
21 Hillsborough River sub watershed, Impaired
22 Waterways of Baker Creek and the other
23 sub-watershed areas. And I began my
24 environmental awareness project 40 years ago,
25 toting my children in their strollers. And my

1 most recent was completion at the University
2 of Florida Master Florida Naturalists
3 Specialty and Conservation Science Program.

4 I've walked in the Everglades three times
5 this year, and that's to say nothing of my
6 local walks in the woods counting birds,
7 counting orchids, counting whatever.

8 That is not what is important. What I
9 want to share with you tonight is how much the
10 preservation of other species means to us as
11 citizens. Because if we fail to protect these
12 species, especially the larger species of
13 birds that we're talking about, then we are
14 also looking at our own lack of sustainability
15 for the future. And you can help by setting
16 up more stringent guidelines, writing policies
17 so that they do have to work together.

18 And I can assure you the fox is guarding
19 the hen house in our area. I have been going
20 through it myself this week and I don't even
21 want to go into that. But for the past three
22 years I've served as a team member of the
23 Seffner Mango Planning -- Community Plan Team
24 and it was just -- it was just passed a few
25 months ago. And since I do better as a

1 show-and-tell type person, I have some
2 evidence that I want to share and a quick tour
3 of the depth of a community's feelings. Not
4 just my feelings, but a whole entire community
5 about species preservation. And I want to
6 show you some things.

7 'Continuing our commitment to
8 preservation for future generations.'

9 You might think this is just something I
10 walked around handing out. I look like an old
11 school teacher that might hand out something
12 like this, but, no. This was just to support
13 our Environmental Land Acquisition and
14 Protection Program in Hillsborough County.
15 And everybody's been so concerned about money
16 and guess what? This passed by 80 percent to
17 buy public land for preservation to save those
18 endangered species. 80 percent. We were
19 stunned. And with my big mouth that's -- it's
20 hard to stun me on an impact like that. But,
21 yes, we voted for this.

22 And this I'm going to leave you because
23 this is going to share with you, in
24 Hillsborough County the environment does mean
25 something to 80 percent of the voters. This

1 is 80 percent. That's a huge number.

2 And as for our Seffner Mango plan, we're
3 a small community but we -- we argue a lot and
4 we have a lot of disagreements, like any
5 family, but we live in the rural community
6 because we want to. And I wanted to show you
7 this. This is an -- this is an eagle this
8 lives in our area and we're concerned about
9 that -- that nest and it's future. But we --
10 we made little maps and we set -- we had a --
11 we have public hearings and public meetings
12 and we invited everybody to come vote on what
13 was most important in our community. And
14 under Goals and Strategies, oh, my gosh. Can
15 you believe people agreed on this in a rough
16 and tumble little community?

17 'Ensure protection of the environment,
18 including wetlands and wildlife habitat
19 protection.'

20 We've got to do it. If you can get a
21 bunch of farmers, self-employed businessmen,
22 retired people and lower income people to
23 agree on this, then this is an accomplishment.
24 And everything we did came back to -- we even
25 drew the little map. This was -- this fine

1 piece of paper was actually published by our
2 Board of County Commissioners and was passed.

3 So this is for you. And believe me,
4 after all I ran my mouth about, that was hard
5 for me to get extra copies of that. So I hope
6 you appreciate it. And I will leave you with
7 that and just the thought that as the lowest
8 species are impacted, so will we be as
9 impacted a human beings.

10 So please, if you will, make people reach
11 across the table and come up with agreements
12 on to share these towers. And we can't have
13 the fox guarding the hen house, that just
14 isn't realistic. It's not something that's
15 going to happen, I don't believe.

16 And I think that you do need to get
17 environmental impact statements because we
18 have a lot of these areas in our county that
19 are very important to us as human beings, and
20 I know that's what's you were interested in
21 tonight was to hear about the human
22 environment, as well.

23 So I thank you for your time. I thank
24 the people that came out, some of us at short
25 notice and who do things -- like Mrs. Walker

1 and Mr. Day that do things on a daily basis
2 for these species and to let you know that we
3 care. We really care and this is part of our
4 life.

5 And thank you very much for listening.

6 MR. GOLDSCHMIDT: Thank you.

7 MS. STOLL: And Mr. Kandz.

8 MR. KANDZ: Can I stand here? Is that
9 good enough?

10 MS. STOLL: Yes. Just identify yourself
11 and your affiliation.

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1 David Kandz - St. Petersburg Audubon Society.

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3 Sure. My name is Dave Kandz. I'm with
4 the St. Petersburg Audubon Society.

5 I'd like to echo Mr. Hood's comments and
6 make a couple of my own. We absolutely need
7 to have a complete environmental impact
8 statement. The assessments are not going to
9 be good enough and having said that, that
10 complete environmental impact statement is
11 going to involve a lot of people out there
12 looking to see how many birds are being killed
13 in all these towers. And I believe we need to
14 do more research on all of that.

15 And I would point out that all over the
16 eastern hemisphere during this month and every
17 December for the last hundred years people
18 have been going out and counting birds on the
19 Christmas bird count. These people know how
20 to do this. It's a controlled count and it's
21 been repeatable every year and we've been able
22 to show over the last hundred years that there
23 have been definite declines in some species.
24 There have been some species are doing better,
25 for example cowbirds are doing wonderful now

1 because we've created so many more open spaces
2 and more hedges for them to be able to live,
3 you know.

4 This is the kind of stuff you get when
5 you get citizens and scientists out there
6 counting birds and providing valuable data.

7 So when we do the environmental impact
8 statement I encourage you to reach out to the
9 organizations, the Audubon Society, the
10 Defenders of Wildlife, the Sierra Club. There
11 are a lot of people out there that are
12 passionate about birds and they can help you
13 get the data -- they can help us get the data
14 that we need to do a good environmental
15 assessment and to tell what kind of impact
16 these cell towers are having on birds. They
17 can save you a lot of money and they can save
18 you a lot of time.

19 Finally I would like to mention
20 something -- and I apologize for missing your
21 presentation. It was gridlocked out there.
22 But as part of this process when you put in a
23 tower, there needs to be a process where
24 conservationists, bird experts can get access
25 to the area around the tower, even if they're

1 on private land, so that we can determine how
2 many birds are being impacted. We'd like to
3 say that if you change the lighting
4 requirements -- you know, one of the big
5 problems is that the towers aren't lit
6 properly in fog and you get a lot of bird
7 kills.

8 Well, we need to find out how many of
9 those are happening to and a lot of times the
10 towers are on private land and you can't get
11 underneath the tower to see those. So I would
12 encourage the process to allow -- have a
13 provision for the citizens and scientists to
14 be able to get that data.

15 That's the end of my comment. Thank you.

16 MR. GOLDSCHMIDT: Thank you.

17 MS. STOLL: That is the end of those
18 folks that have indicated previously that they
19 wanted to comment. Is there anyone else who
20 has not made comments that feels so moved or
21 wants to talk about the fox guarding the hen
22 house? It seems to be a theme.

23 All right. Well --

24 MS. CURL: I can talk all night, so --

25 MS. STOLL: Well, with that what I would

1 encourage you guys to do is to take those
2 meeting guides, distribute it to the folks
3 that you need to. Take extra comment cards,
4 if you'd like. If you fill them out and want
5 to leave them with us here tonight, you can.
6 If you have spoken we have that for the
7 record, as well. If you want to take them,
8 they can be mailed in. The address is there.
9 And we thank you for coming.

10 MS. CURL: When are those due back?

11 MS. STOLL: The 14th.

12 MR. GOLDSCHMIDT: Of January.

13 MS. STOLL: Of January, otherwise it
14 would have been yesterday.

15 MR. GOLDSCHMIDT: Yeah.

16 MS. STOLL: So with that, we're done.
17 Thank you all for coming.

18 MR. GOLDSCHMIDT: Thank you, very much.

19 MR. REIDENAUER: Thanks.

20 (Deposition concluded at 8:16 p.m.)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA

4 COUNTY OF HILLSBOROUGH

5

6 I, BETH A. MALONE, Court Reporter, Notary
7 Public, State of Florida do hereby certify that I was
8 authorized to and did stenographically report the
9 foregoing Antenna Structure Registration Programmatic
10 Environmental Assessment, FCC Scoping Meeting, and
11 that the transcript is a true record of my
12 stenographic notes.

13

14

15 Dated: December 26, 2010.

16

17

18 _____
19 BETH A. MALONE
20 Notary Public
21 State of Florida
22 My Commission Expires 9/3/11
23 Commission No. DD-710628
24
25